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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION

In re:

GIRARDI KEESE a/k/a/ GIRARDI & KEESE,

Debtor.

Case No. 2:20-bk-21022-BR

[Chapter 7]

**DECLARATION OF BORIS TREYZON
IN SUPPORT OF PETITIONING
CREDITORS' EMERGENCY MOTION
FOR APPOINTMENT OF INTERIM
TRUSTEE PURSUANT TO 11 U.S.C. §
303(g)**

Hearing Date:

DATE: December __, 2020

TIME: _____ a.m./p.m.

CTRM: "1668"

**255 E. Temple Street
Los Angeles, CA. 90012**

DECLARATION OF BORIS TREYZON

I, Boris Treyzon, hereby declare:

1. I am, and at times herein mentioned was, a founding partner of Abir Cohen Treyzon Salo, LLP ("ACTS") and if called to testify I could and testify to the facts stated herein. I am over the age of eighteen years old. I make this declaration of my own personal knowledge in support of the *Petitioning Creditors' Motion for Appointment of an Interim Trustee Pursuant to 11 U.S.C. § 303(g)* ("Motion"). If called to testify, I could and would competently testify thereto.

2. ACTS is a plaintiffs' law firm based in Los Angeles, California. We have twenty (20) attorneys and twenty five (25) support staff.

3. There is a currently a "freeze" ordered by Judge Thomas M. Durkin, a US District Judge for Northern District of Illinois ("Freeze Order").

4. In or about October of 2020, ACTS and Girardi Keese ("GK") entered into an agreement whereby ACTS would associate into several cases with GK, with case files transferred to ACTS. Despite this agreement with GK, files were not transferred over to ACTS by GK, contrary to the agreement ACTS had with GK. These files likely contain information indispensable for prosecuting these cases.

5. As a result of the Freeze Order, ACTS was ordered by Judge Durkin, to stop transfers of case files from GK. ACTS abided by this order.

6. If an interim trustee is not immediately appointed to take control of Debtor's files and retain counsel to evaluate Debtor's cases and/or continue to prosecute cases, I believe there will be a substantial amount of damage to Debtor's clients and Debtor and/or the Estate will lose the opportunity to collect substantial attorneys' fees which can be used to pay creditors. As one example, attached as Exhibit "A" is a copy of a Meet and Confer letter from counsel for Defendant addressed to me and Jack Girardi, an attorney at GK and brother of Thomas Girardi, regarding discovery responses, stating that if verified responses, without objections, are not provided by December 28, 2020, a Motion to Compel Discovery Responses and a Motion to Deem Admitted all Requests for Admissions. If such a motion is granted, the case, which would entitle moving party to seek damages against client, likely in thousands of dollars, could be lost or

1 severely jeopardized.

2 4. Prior to the litigation in the District Court in Illinois and the filing of the
3 Involuntary Petition, ACTS, hired, with permission of GK, a number of GK's staff and associate
4 attorneys who are familiar with these cases. If ACTS were able to obtain the files in the cases
5 Debtor agreed to us associating in as counsel, ACTS would have the lawyers and staff to actively
6 and properly litigate such cases, protect the rights of the various plaintiffs and protect attorneys'
7 fees and costs which may be rightfully payable to Debtor and which would be turned over to the
8 trustee for the benefit of GK and Thomas Girardi's creditors.

9 8. In addition to GK's failure to actively prosecute cases, I have become aware that
10 other law firms and attorneys are attempting to take over GK's cases and I have seen substitutions
11 of attorney filed in at least one case which was originally prosecuted and settled by GK. If this
12 continues, Debtor and this bankruptcy estate will lose significant assets and a significant amount
13 in fees which would otherwise be available to pay creditors.

14 9. As a result of ACTS's agreement with GK to associate in as counsel, ACT has
15 repeatedly been contacted by clients looking for information and reassurances that their cases are
16 proceeding. Without access to the documents and information in files/cases in which we have an
17 agreement with GK to associate in as counsel, ACTS cannot assist these clients and as stated
18 above, we risk client finding other counsel and substituting in new counsel in place of GK and
19 ACTS. If other attorneys substitute into cases, the bankruptcy estate will be damaged. These cases
20 are assets of GK to the extent work was performed and costs were advanced, and GK would be
21 accordingly entitled to be paid appropriate fees if there is a successful result or a settlement.
22 Again, these fees and recovered would then be available to pay creditors of the Estate.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct.

25 Executed on this 23rd day in December 2020, in Los Angeles, California.

26
27 
28 _____
Boris Treyzon

EXHIBIT “A”



December 23, 2020

Christy Kostich
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323.397.4652 (mobile)
Christy.Kostich@wilsonelser.com

Boris Treyzon, Esq.
ABIR COHEN TREYZON SALO, LLP
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VIA E-MAIL

Jack Girardi, Esq.
GIRARDI | KEESE
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VIA E-MAIL

Re: Thomas Layton v. Mikhail Anoshin, et al.

**MEET AND CONFER REGARDING PLAINTIFF'S FAILURE TO RESPOND TO
RASIER, LLC'S DISCOVERY REQUESTS**

Dear Counsel:

On September 11, 2020, Uber Technologies, Inc. served its First Set of Form Interrogatories, Requests for Admissions, Requests for Production of Documents, and Special Interrogatories on Plaintiff Thomas Layton. We have granted multiple extensions to your office, and the last extension granted was to Monday, December 14, 2020. On December 14, 2020, Plaintiff's Responses to all aforementioned discovery requests were due, but our office did not receive any discovery Responses from Plaintiff. On December 16, 2020 we sent Mr. Jack Girardi a meet and confer letter asking for verified responses, without objections, by December 18, 2020. As of the date of this correspondence, we still have not received verified responses from Plaintiff.

555 South Flower Street, Suite 2900 • Los Angeles, CA 90071 • p 213.443.5100 • f 213.443.5101

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Thus, please provide Plaintiff's **verified** responses to Uber Technologies, Inc.'s First Set of Form Interrogatories, Requests for Admissions, Requests for Production of Documents, and Special Interrogatories **by December 28, 2020 without objections** or Uber will be forced to file a Motion to Compel Discovery Responses, including a Motion to Deem Admitted all Requests for Admissions.

Please feel free to contact me with any questions or to further meet and confer, and I look forward to resolving this issue without court intervention.

Very truly yours,

Christy Kostich

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
GOODMAN LAW OFFICES, A PROFESSIONAL CORPORATION, 30700 RUSSELL RANCH ROAD, SUITE 250,
WESTLAKE VILLAGE, CA. 91362

A true and correct copy of the foregoing document entitled (*specify*): DECLARATION OF BORIS TREYZON
IN SUPPORT OF EMERGENCY MOTION FOR APPOINTMENT OF INTERIM TRUSTEE PURSUANT
TO 11 USC 303(g); MEMORANDUM OF POINTS AUTHORITIES

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 12/24/2020, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 12/24/2020, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 12/24/2020, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Leonard Pena (lpena@penalaw.com)

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

12/24/2020 Andrew Goodman
Date *Printed Name*

/s/ Andrew Goodman
Signature

2:20-bk-21020-BR - Notice will be electronically mailed to:

**Eric D Goldberg on behalf of Creditor Stillwell Madison, LLC -
eric.goldberg@dlapiper.com, eric-goldberg-1103@ecf.pacerpro.com**

**Andrew Goodman on behalf of Petitioning Creditor Erika Saldana
agoodman@andyglaw.com**

**Andrew Goodman on behalf of Petitioning Creditor Jill O'Callahan
agoodman@andyglaw.com**

**Andrew Goodman on behalf of Petitioning Creditor John Abassian
agoodman@andyglaw.com**

**Andrew Goodman on behalf of Petitioning Creditor Kimberly Archie
agoodman@andyglaw.com**

**Andrew Goodman on behalf of Petitioning Creditor Robert M. Keese
agoodman@andyglaw.com**

**Andrew Goodman on behalf of Petitioning Creditor Virginia Antonio
agoodman@andyglaw.com**

**M. Jonathan Hayes on behalf of Interested Party Courtesy NEF
jhayes@rhmfirm.com, roksana@rhmfirm.com; matt@rhmfirm.com;
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**Lewis R Landau on behalf of Interested Party Courtesy NEF
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**Matthew D. Resnik on behalf of Interested Party Courtesy NEF
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russ@rhmfirm.com; rebecca@rhmfirm.com; david@rhmfirm.com; sloan@rhmfirm.com**

**Ronald N Richards on behalf of Interested Party Courtesy NEF
ron@ronaldrichards.com, morani@ronaldrichards.com, justin@ronaldrichards.com**

**United States Trustee (LA)
ustpreion16.la.ecf@usdoj.gov**

THE FOLLOWING PARTIES WILL BE SERVED VIA UNITED STATES MAIL

**Thomas Girardi
1126 Wilshire Boulevard
Los Angeles, CA. 90017**

**Girardi Keese
1126 Wilshire Boulevard
Los Angeles, CA. 90017**

**Leonard Pena, Esq.
PENA & SOMA, APC
402 S. Marengo Avenue, Suite B
Pasadena, CA. 91101**